

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 11/18/2004, having a shortened statutory period for response set to expire 02/18/2005, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Priority

1. Paragraph [0002] of the specification is amended to recite that the present application is a divisional application of U.S. Serial No. 10/065,155, filed 09/23/2002, now U.S. patent No. 6,709,408 which is a continuation-in-part of U.S. Serial No. 09/682,252, filed 08/09/2001, now abandoned. Such amendment includes up-dated parent application status. A replacement application data sheet is enclosed.

Specification

2. a. In paragraph [0008], line 17, --slides-- has been inserted following "on."
b. In paragraph [0028], line 5, "if" has been changed to --of--.
3. Applicant has checked the specification and errors appearing therein have been corrected. Errors in paragraphs [0046] and [0078] have been corrected. The Abstract of the Disclosure has also been brought into compliance with the claimed invention.

Claim Objections

4. Claim 1 stands objected to because of informalities. Each informality is addressed as follows:

- a. In line 4, "it extent" is changed to --an extent thereof--.
- b. In lines 5-6, "that scrapes" is changed to --adapted to scrape--.
- c. In line 14, --first-- is inserted before "slot."
- d. In line 15, --first-- is inserted before "slot."
- e. In line 18, "that scrapes" is changed to --adapted to scrape--.
- f. In lines 32-33, "that scrapes" is changed to --adapted to scrape--.

5. Claim 3 stands objected to because of an informality. The informality is addressed as follows: In line 2, "an exterior" is changed to --said exterior--.

6. Claim 5 stands objected to because of an informality. The informality is addressed as follows: In line 2, "an exterior" is changed to --said exterior--.

7. Claim 7 stands objected to because of an informality. The informality is addressed as follows: In line 1, "means" is deleted.

8. Claim 3 stands objected to because of an informality. The informality is addressed as follows: In line 1, "means" is deleted.

Claim Rejections – 35 U.S.C. § 112

9. Applicant acknowledges the quotation of 35 U.S.C. § 112, second paragraph.

10. Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, because it is unclear whether the limitation "said slot" recited in line 1 is intended to refer to the first or second slot. This rejection is met by inserting --first-- before "slot" in line 1 of said claim 2.

Claim Rejections – 35 U.S.C. § 102

11. Applicant acknowledges the quotation of 35 U.S.C. § 102(b).

12. Claims 1, 2, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson et al. (hereinafter "Anderson"). Reconsideration and withdrawal of this ground of rejection is requested for the reasons that follow.

The Office points out that the first Anderson slot is located on the upper side of the longitudinal axis of the needle and that the second Anderson slot is located on the lower side of the longitudinal axis. Applicant understands such location description to be taken from a cross-sectional view of a helical slot but nonetheless such language is helpful to distinguish Applicant's contribution from that of Anderson. As currently amended, claim 1 now recites that Applicant's first and second slots are both located on a first side of the longitudinal axis of the needle, thereby clearly distinguishing over Anderson. The plurality of wrap-around helical slots as taught by Anderson clearly teaches away from the first and second slots taught by Applicant.

Allowable Subject Matter

13. Claims 3-8 stand indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, claims 3-8 depend from claim 1, currently amended, and as such are in condition for allowance as dependent claims. New claim 10 recites the allowable subject matter of claim 3 in

independent form (including the subject matter of claims 1-3 as currently amended) and new claims 11-16 depending therefrom include the limitations of claims 4-9, as currently amended, respectively.

14. Applicant acknowledges the statement of reasons for the indication of allowable subject matter as it relates to the subject matter of claim 3 but respectfully traverses any inference that said subject matter is the only allowable subject matter.

Conclusion

15. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

16. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

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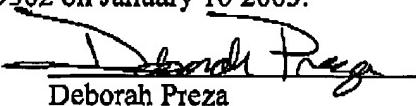
Dated: January 8, 2005

pc: John S. Fisher, M.D.

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3736, Attn: Mr. Charles Alan Marmor II, (703) 872-9302 on January 10 2005.

Dated: January 10, 2005


Deborah Preza